

1 PENELOPE A. PREOVOLOS (CA SBN 87607)  
(PPrevolos@mofo.com)  
2 ANDREW D. MUHLBACH (CA SBN 175694)  
(AMuhlbach@mofo.com)  
3 ALEXEI KLESTOFF (CA SBN 224016)  
(AKlestoff@mofo.com)

4 MORRISON & FOERSTER LLP  
5 425 Market Street  
San Francisco, California 94105-2482  
6 Telephone: 415.268.7000  
Facsimile: 415.268.7522

7 Attorneys for Defendant  
8 APPLE INC.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION  
12

13 REUBEN BERENBLATT, ANDREW  
14 PERSONETTE, EARL C. SIMPSON, LAURA  
MILLER, On behalf of themselves and  
15 all others similarly situated,

16 Plaintiff,

17 v.

18 APPLE INC.,

19 Defendant.

20 THOMAS WAGNER, SCOTT MEYERS, On  
behalf of themselves and all others similarly  
21 situated,

22 Plaintiff,

23 v.

24 APPLE INC.,

25 Defendant.

Case No. C-08-04969 JF (PVT)  
Case No. C-09-01649 JF (PVT)

**STIPULATION EXTENDING  
DEFENDANT'S TIME TO  
RESPOND TO SECOND  
AMENDED COMPLAINT**

1 Pursuant to Civil Local Rules 6-2 and 7-12, the parties, by and through their respective  
2 counsel, hereby stipulate as follows:

3 WHEREAS, Apple moved to dismiss the First Amended Complaint in *Berenblatt, et al. v.*  
4 *Apple Inc.*, Case. No. C-08-04969, and the Class Action Complaint in *Vail v. Apple, Inc.* (now  
5 known as *Wagner, et al. v. Apple Inc.*), Case No. C-09-01649 (collectively, the “Actions”), on  
6 June 1, 2009;

7 WHEREAS, Apple’s motions were granted, with leave to amend, on August 21, 2009;

8 WHEREAS, the plaintiffs in the Actions filed a Second Amended Complaint on  
9 September 21, 2009;

10 WHEREAS, under Federal Rule of Civil Procedure 15(a)(3), the deadline for Apple to  
11 respond to the Second Amended Complaint is October 5, 2009;

12 WHEREAS, the parties have agreed to extend the deadline for Apple to respond until  
13 November 5, 2009;

14 WHEREAS, the continuance will not have an effect on the schedule for the case;

15 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO  
16 THE APPROVAL OF THE COURT:

17 1. Apple shall respond to the Second Amended Complaint in the Actions by  
18 November 5, 2009.

19  
20 Dated: October 5, 2009

MORRISON & FOERSTER LLP

21  
22 By: /s/ Penelope a. Preovolos  
23 Penelope a. Preovolos

24 Attorneys for Defendant  
25 APPLE INC.  
26  
27  
28

1 Dated: October 5, 2009

MEISELMAN, DENLEA, PACKMAN,  
CARTON & EBERZ P.C.

2  
3 By: /s/ Christine M. Ford

4 Christine M. Ford

5 Attorneys for Plaintiffs  
6 REUBEN BERENBLATT,  
ANDREW PERSONETTE, EARL  
7 C. SIMPSON, LAURA MILLER

8 Dated: October 5, 2009

GIRARD GIBBS, LLP

9  
10 By: /s/ Eric H. Gibbs

Eric H. Gibbs

11 Attorneys for Plaintiffs  
12 THOMAS WAGNER, SCOTT  
13 MEYERS

14 I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file  
15 this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on  
16 file the concurrences for any signatures indicated by a "conformed" signature (/s/) within this  
17 efiled document.  
18


19 By: /s/ Penelope A. Preovolos

20 Penelope A. Preovolos

**PROPOSED ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: October 6, 2009

  
\_\_\_\_\_  
Hon. Jeremy Fogel  
United States District Judge

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**STIPULATION EXTENDING TIME TO RESPOND TO  
SECOND AMENDED COMPLAINT**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Douglass J. McNamara  
Cohen Mistein Hausfeld & Toll PLLC  
1100 New York Avenue, Suite 500  
Washington D.C. 20005-3964

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 5th day of October, 2009.

\_\_\_\_\_  
Mia R. Gimenez  
(typed)

\_\_\_\_\_  
/s/ Mia Gimenez  
(signature)

**ATTESTATION OF E-FILED SIGNATURE**

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Certificate of Service. In compliance with General Order 45, X.B., I hereby attest that Mia Gimenez has read and approved this Certificate of Service and consents to its filing in this action.

Dated: October 5, 2009.

MORRISON & FOERSTER LLP

\_\_\_\_\_  
/s/ Penelope A. Preovolos  
Penelope A. Preovolos